



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

*Writer's Direct Dial Number:
(617) 748-3272
Telecopier: (617) 748-3971*

*John Joseph Moakley U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210*

January 23, 2004

Hon. Patti B. Saris
United States District Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 6130
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation, M/dL
No. 1456, Civil Action No. 01-12257, and related cases

Dear Judge Saris:

The United States of America, on behalf of Tommy G. Thompson, Secretary of Health and Human Services ("Secretary"), submits this response to your letter to Secretary Thompson dated January 8, 2004.

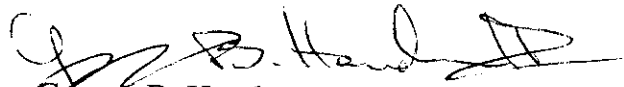
At the outset we want to express our appreciation for your letter and invitation to submit an amicus curiae brief. The issues discussed in your letter are potentially important ones, and we are grateful to be informed about them and given the opportunity to state our views.

The United States, on behalf of the Secretary, intends to file an amicus brief. We expect to file the brief within 45 days, or by March 8, 2004. We believe 45 days is necessary because the issues are significant and the brief will require appropriate review within the government.

Hon. Patti B. Saris
January 23, 2004
Page 2

Thank you again for the opportunity to participate as an amicus in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "G. B. Henderson, II". The signature is fluid and cursive, with a large initial "G" and a stylized "H".

George B. Henderson, II
Assistant U.S. Attorney

cc: Alex Michael Azar II, General Counsel, HHS
Andy Mao, Department of Justice, Civil Frauds